

## WARREN COUNTY BOARD OF SUPERVISORS

### COMMITTEE: PUBLIC WORKS, SOLID WASTE/RECYCLING

DATE: AUGUST 5, 2009

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS BELDEN  
BENTLEY  
TESSIER  
MERLINO  
CHAMPAGNE  
TAYLOR  
GOODSPEED  
PITKIN

**OTHERS PRESENT:**

WILLIAM LAMY, SUPERINTENDENT OF PUBLIC WORKS  
FREDERICK MONROE, CHAIRMAN OF THE BOARD  
PAUL DUSEK, COUNTY ATTORNEY  
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL SERVICES  
JOAN SADY, CLERK OF THE BOARD  
KEVIN GERAGHTY, BUDGET OFFICER  
SUPERVISOR THOMAS  
THOM RANDALL, *THE ADIRONDACK JOURNAL*  
DON LEHMAN, *THE POST STAR*  
SARAH MCLENITHAN, LEGISLATIVE OFFICE SPECIALIST

**COMMITTEE MEMBER ABSENT:**

SUPERVISOR STEC

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Mr. Belden called the meeting of the Public Works, Solid Waste and Recycling Committee to order at 11:00 a.m.

Motion was made by Mr. Champagne, seconded by Mr. Taylor and carried unanimously to approve the minutes of the April 28, 2009 Committee meeting, subject to correction by the Clerk of the Board.

With regards to old business, Mr. Lamy requested that pending item 1 be removed from the referral list, as he had addressed the issue in the past.

Proceeding to new business, Chairman Monroe stated that it was necessary to address the Solid Waste Management Plan and the end of term discussions with Wheelabrator with regards to the burn plant, as the contract was terminating in 2011. He said that he felt that it was imperative that the Committee make a decision as to whether to hire a consultant to aid with the development of the new Solid Waste Management Plan, as well as participate with Wheelabrator regarding the end of term discussions on the burn plant.

Mr. Bentley entered the meeting at 11:03 a.m.

Paul Dusek, County Attorney, interjected that the two separate projects that needed to be accomplished overlapped each other, as some details included in the Solid Waste Management Plan would be pertinent to the discussions with Wheelabrator. He explained that in order to be prepared for the end of term discussions with Wheelabrator it was imperative that the County knew what all of their options were.

Mr. Dusek advised that under the current arrangement with Wheelabrator for the burn plant, due to the way the contract was structured, Warren County acted as the lead agency with regards to Solid Waste administration due to their financial responsibility; however, he stated, after 2011 Warren County could choose not to participate. He said that it was necessary to determine how involved Warren County would be with regards to Solid Waste disposal and what affect it would have on the towns. He noted that each of the individual towns had a transfer station, the City of Glens Falls took responsibility for its own refuse and there were numerous commercial waste management companies throughout the County. He advised that Warren County would need to decide what role they would play in solid waste management in the future and how it would affect the individual towns.

Mr. Dusek advised a benefit of Warren County and the towns working in conjunction with each other to dispose of their waste was that a discounted rate for disposal may be received, as they were providing larger volumes of refuse. He explained that the volume could be achieved in numerous ways with extensive County involvement through districts or load control mechanisms or by having the County work as the collective negotiator through contracts with the towns; however, he said, the towns could also collectively work together without County participation. He said that it was imperative that the Supervisors for the Towns and the City of Glens Falls decide which process they would like to use with regards to waste disposal.

As an example, Mr. Dusek said that if the towns determined they wanted to address their own solid waste, then the County would not be included; however, he stated, if the towns determined they would like to collectively address solid waste in conjunction with the County, then the County would participate. He reiterated that it was necessary for a determination to be made as to what role, if any, the County would play in solid waste prior to discussions with Wheelabrator.

Chairman Monroe stated that it needed to be determined if the County wanted to continue the relationship with Washington County with regards to solid waste. He said that he felt Washington County's desire was to have their towns address their own solid waste. He pointed out a determination was needed as to whether the County desired a short-term or long-term contract.

Mr. Pitkin queried if the County was mandated by New York State to develop a Solid Waste Management Plan regardless of whether it was in conjunction with the towns or not and Mr. Dusek replied affirmatively. Mr. Dusek explained that a portion of the Solid Waste Management Plan would include certain mandated actions the County would have to enforce, such as recycling.

Mr. Goodspeed asked when the contract was expiring and Mr. Dusek responded that the contract expired in December of 2011. Mr. Dusek advised that it was necessary to develop a plan prior to discussions taking place with Wheelabrator regarding the burn plant. He explained that Wheelabrator had certain abilities available to them under the contract, such as an option to purchase the burn plant, to not purchase the burn plant, to lease the burn plant or to walk away; therefore, he stated, he felt it was in the County's best interest to know all of their options so they could respond to what Wheelabrator may propose. Mr. Dusek pointed out that the deadline for the County to have a Solid Waste Management Plan enacted was next year.

Mr. Champagne asserted that it was necessary that the Plan have the least amount of affect on the taxpayers. He suggested that a survey be taken to inquire how the taxpayers felt the refuse for their Towns should be handled. Chairman Monroe apprised that there could be substantial savings to the taxpayer through districting or consolidating services. He suggested hiring a consultant to assist the County with developing the Solid Waste Management Plan to ensure that the route with the least amount of affect on the taxpayer was utilized. Mr. Taylor mentioned that another benefit of consolidating efforts was that there would be one legal Department to handle any legal issues that may arise, rather than having several involved.

Mr. Dusek apprised that it would be appropriate to enter into executive session if the Committee's desire was to discuss matters leading to the employment of a particular person or corporation.

Motion was made by Mr. Champagne, seconded by Mr. Bentley and carried unanimously that executive session be declared pursuant to Section 105 (f) of the Public Officers Law.

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Executive session was declared from 11:18 a.m. to 12:14 p.m.

The Committee reconvened and Mr. Belden announced that it was necessary to make a motion as to whether the Department of Public Works (DPW) would assist with the development of the Solid Waste Management Plan or if an outside consultant would be hired.

Motion was made by Mr. Goodspeed, seconded by Mr. Bentley and carried by majority vote, with Mr. Champagne voting in opposition, to authorize the hiring of a consultant to assist the County with the development of a Solid Waste Management Plan and the end of term discussions with Wheelabrator with regards to the burn plant.

Mr. Dusek advised that it was necessary for the Committee to determine which consultant they would like to hire to assist with the development of the Solid Waste Management Plan and the end of term discussions with Wheelabrator with regards to the burn plant. He reminded the Committee that the Selection Review Committee had met and interviewed six of the eight parties that had submitted responses to the Request for Proposal (RFP), two of which were selected to come back for further interviews.

Mr. Dusek indicated that the history and the employment of these two particular firms was discussed during executive session and it was his understanding that the two firms had also refined their proposals such that they were similar. He mentioned that there were two areas of discussion, the first of which was for services for the end of term discussions with Wheelabrator and the Counties options beyond Wheelabrator. The second area, he stated, was the Solid Waste Management Plan completion.

Mr. Dusek remarked that the Gerhardt, LLC proposal was for \$47,500 to prepare the Solid Waste Plan and the R. S. Lynch & Company, Inc. proposal was for \$46,800. Mr. Champagne commented that the R. S. Lynch & Company, Inc. proposal included discussions with Wheelabrator; however, he stated, the Gerhardt, LLC proposal was for \$47,500, as well as an additional \$17,000 for discussions with Wheelabrator.

Mr. Dusek interjected that he felt that it was necessary for the County to determine how they were going to work with the towns with regards to the discussions with Wheelabrator and/or other entities, including an RFP option for solid waste. He said that his understanding was that the assistance with the discussions with Wheelabrator would be billed on an hourly rate; therefore, he said, the County would need to determine if Gerhardt, LLC, was offering more services than R.S. Lynch & Company, Inc., as their hourly rate was substantially higher.

Chairman Monroe commented that he felt that it was necessary in respect to the discussions with Wheelabrator and the end of term options that a determination be made as to whether they would be getting more value with Gerhardt LLC, who was charging the higher hourly rate. Mr. Goodspeed suggested hiring Gerhardt, LLC, as he felt the services offered were more conducive to the County's needs.

Motion was made by Mr. Goodspeed and seconded by Mr. Bentley to authorize the contract with Gerhardt, LLC for assistance with the preparation of the Solid Waste Management Plan and the end of term discussions with Wheelabrator with regards to the burn plant.

Mr. Pitkin stated that he would have a difficult time supporting the contract if there was no set maximum amount to be expended. Mr. Champagne concurred with Mr. Pitkin and added that he felt compelled to vote in opposition unless more information was provided regarding the hourly rates.

Discussion ensued.

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Pursuant to further discussion on the matter, Mr. Goodspeed withdrew his motion and Mr. Bentley withdrew his second to the motion to authorize the contract with Gerhardt, LLC for assistance with the preparation of the Solid Waste Management Plan and the end of term discussions with Wheelabrator with regards to the burn plant.

It was the consensus of the Committee that they would delay making a decision on which consultant to hire to assist with the development of the Solid Waste Management Plan and the end of term discussions with Wheelabrator with regards to the burn plant until the next Committee meeting when additional information was provided.

As there was no further business to come before the Public Works Committee, on motion made by Mr. Bentley and seconded by Mr. Goodspeed, Mr. Belden adjourned the meeting at 12:36 p.m.

Respectfully submitted,

Sarah McLenithan, Legislative Office Specialist